

ORIGINAL

FILED

2008 MAY 22 P 3:18

1 JOHN STEELMAN CDCR # D-30388
2 IRONWOOD STATE PRISON C-5 / 236
3 P.O. BOX 2199
4 BLYTHE, CA 92226-2199

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6
7
8 RICHARD W. WIEKING
9 CLERK
10 U.S. DISTRICT COURT
11 NO. DIST. OF CA. S.J.

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14
15 JOHN STEELMAN,) Case No. C 07-4225 JF (PR)
16 Plaintiff,)
17 v.) RENEWAL OF PRIOR MOTIONS
18 CALIFORNIA DEPARTMENT OF) PENDING BEFORE THE COURT
19 CORRECTIONS AND)
20 REHABILITATION,)
21 Defendant.)
22
23

24 TO: THE HONORABLE COURT IN THE ABOVE ENTITLED ACTION:

25 Comes now JOHN STEELMAN, member of the Gilmore plaintiff
26 and movant in the above entitled action, to respectfully
27 request the renewal of all previously filed motions now
28 pending before this Court. Plaintiff has been transferred to
Ironwood State Prison in Riverside County, California, and
has the same problems and limitations as at Folsom State
Prison where the original harm and deprivations occurred.

This case was dismissed by the Honorable Judge Fogel due
to plaintiff's lack of seeking remedy via the Class Counsel,

Donald Spector, of the Prison Law Office. Plaintiff attempted to comply with Judge Fogel's direction, but after trying to discuss matters with class counsel and his representative plaintiff felt a breech of trust and conflict of interests deprived plaintiff of protections due him and the Gilmore class. Plaintiff filed on March 3, 2008, a Motion for Leave To Proceed Pro Se OR Motion To Appoint Independent Counsel: With Declaration In Support. This, and the renewed filing of Motion To Seek Administrative Relief are still pending before this Court.

Subsequent to the refiling of this case, plaintiff received two (2) additional letters from the Prison Law Office, included herein as Attachments A and B. Both letters note that the a deputy attorney general admits that CDCR has not been ordering some materials since July 2007, but makes no mention of plaintiff's allegations of failing to order or update some mandated materials since 2006. Few of the plaintiff's allegations are addressed. Plaintiff's exhibits show that the CDCR Director's Level Review contradict the deputy attorney general's comments. No mention of why class counsel failed to note the problems with the State-wide ordering, and no mention is made to the failure of the class counsel to recommend any changes or updates to the Gilmore collection over a decade after the AEDPA and PRLA changed the landscape of prisoner litigation in the country.

Plaintiff Steelman is unable to convey the simple problem that lack of an Official copy of the California Code Of Regulations - mandated by the 15 CCR Div. 3 itself, has caused the default of a legal claim involving the deprivation of the few rights he had left at his parole hearings in 2005 & 2006. The inadequacies of the prison law library are well documented in plaintiff's exhibits.

A further problem that plaintiff is unable to convey to class counsel is that he is in possession of information to prove CDCR and defendant's bad faith in the matter of keeping and maintaining the Gilmore collection up-to-date. With no outside support and no avenue to safely pass the material through, plaintiff is vulnerable to retaliation or worse - he will be unable to prove his allegations of constitutional deprivations. As officers of the Court, it was at least expected that class counsel could assist with the matters presented.

Plaintiff respectfully requests that the Court allow him to proceed pro se in this matter, or appoint independent counsel to assist and present the issues and allegations he has previously submitted.

Date: May 19, 2008

Respectfully submitted,


John Steelman D-30388

VERIFICATION

I am the plaintiff and movant in the above entitled action. I declare under penalty of perjury that the above statements are true and correct, and to matters stated upon my belief, that they are true and correct to the best of my knowledge.

Date: May 19, 2008

Respectfully submitted,



John Steelman

Attachment A



PRISON LAW OFFICE

General Delivery, San Quentin, CA 94964-0001
Telephone: (415) 457-9144 • Fax (415) 457-9151
www.prisonlaw.com

Director:
Donald Specter

Staff Attorneys:
Susan Christian
Steven Fama
Rachel Farbizar
Penny Godbold
Megan Hagler
Alison Hardy
Millard Murphy
Vibeke Norgaard
Sara Norman
Judith Rosenberg
Zoe Schonfeld
E. Ivan Trujillo

3/5/2008

John Steelman
D-30388
FOL, PO Box 950
Represa, CA 95763

Dear Mr. Steelman:

I received your Februaury 28 letter and accompanying documents on March 3.

I write to update you on Gilmore. The deputy attorney general responded to my letter. He acknowledged that the CDCR has not updated the Gilmore collection since last year. He said the CDCR has a new procedure for ordering materials and has submitted its order to buy the materials it needs to comply with the Gilmore order.

The deputy attorney general agreed to allow me to speak to a CDCR official who is knowledgeable about the ordering system. From the information I obtain from this meeting, I will determine how I can monitor the ordering of materials required by Gilmore. I expect this meeting to occur in March. I also expect to discuss secondary sources at that time.

In an October letter to you, I told you that I could not find 15 CCR section 2035 in our printed materials or on Westlaw. I clarify here that Premise does not have this regulation and that this regulation is not printed in any of the materials required by the Gilmore order. (I enclose a copy of that order, in case you do not have it.)

Sincerely,



Megan Hagler

Enc: Gilmore order

Board of Directors

Penelope Cooper, President • Michele Walkin Hawk, Vice President • Marshall Krause, Treasurer
Honorable John Burton • Felicia Gaston • Christiane Hipp • Margaret Johns
Cesar Lagleva • Laura Magnani • Michael Marcum • Ruth Morgan • Dennis Roberts

Attachment *B*



PRISON LAW OFFICE
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Director:
Donald Specter

Staff Attorneys:
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Rachel Farbierz
Penny Godbold
Megan Hagler
Alison Hardy
Millard Murphy
Vibeke Norgaard
Sara Norman
Judith Rosenberg
Zoe Schonfeld
E. Ivan Trujillo

April 16, 2008

Dear Sir:

I have been communicating with the deputy attorney general in the *Gilmore* case about the failure to update materials. The CDCR did not make required materials available in the libraries from July 2007 until present because the ordering process changed, which slowed the process.

My understanding is that the materials will arrive within the next few weeks and that the updates through June 2008 will arrive timely. I am monitoring the purchase order for July 2008 through June 2009, and I will continue to monitor the purchase of materials in the future.

Please let me know if materials do not arrive in your libraries within the next few weeks.

Thank you.

Sincerely,

Megan Hagler

Board of Directors

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Cesar Lagleva • Laura Magnani • Michael Marcum • Ruth Morgan • Dennis Roberts

PROOF OF SERVICE BY MAIL

I, John Steelman, am a resident of Ironwood State Prison, in the County of Riverside, California. I am over the age of 18, and I am / ~~not~~ a party to this action.

On May 19, 2008, I served the following document(s):

RENEWAL OF PRIOR MOTIONS PENDING BEFORE THE COURT

To the below listed parties by placing true copies of the document(s) in a sealed envelope with postage paid or affixed, in the U.S. Mail via prison Legal Mail procedures, addressed as follows:

Clerk Of The U.S. District Court,
280 South First Street, Rm 2112, San Jose, CA 95113-3095

Prison Law Office, Attn: Donald Spector, General Delivery,
San Quentin, CA 94964

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 19th day of May, 2008, at Ironwood State Prison, Riverside County, California.



John Steelman

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U.S. POSTAL SERVICE
MAY 20 2008

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C-3 / 236



UNITED STATES POSTAL SERVICE
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0004624898 PINNEY BOWLES
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P.O. Box 2199
Burlingame, CA 92226-2199

Clerk of the U. S. District Court
Northern District of California
280 South First Street, RR 2112
San Jose, CA 95113-3095